

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Prohibition and Excise Department - Departmental proceedings under rule 20 of A.P. Civil Services (CC&A) Rules, 1991 against Sri P. Sree Rama Krishna Murthy, Proh. & Excise Inspector, formerly at Nellore (now Retired) - Penalty of cut in pension every month, permanently of an amount equal to 50% of the sum total of the last 3 (three) increments drawn - Imposed - Orders - Issued.

=====

REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 997

Dated:20-07-2010.

Read the following:-

1. G.O.Rt.No.1586, Revenue (Excise.I) Department, dated 01.11.2000.
2. Written statement of defence dated nil from Sri P. Sree Rama Krishna Murthy, P&E Inspector, Nellore.
3. G.O.Rt.No.1879, Revenue (Vig.II) Department, dated 29.09.2001.
4. From the Director of Enforcement, Prohibition & Excise & Enquiry Officer, Letter Cr.No.3516/DPE/PA/2001, dated 07.08.2002 along with Enquiry Report.
5. Govt.Memo.No.2690/Vig.II(2)/2001-3, Revenue (Vig.II) Department, dated 22.08.2003.
6. Explanation dated 3.12.2003 from Sri P. Sree Rama Krishna Murthy, P&E Inspector, Nellore.
7. Govt. Memo No. 2690/Vig.V(2)/2001-14, Dated 20.7.2006 of Revenue (Vig.V) Dept.
8. From the APAT, judgment dt:31.12.2009 in O.A.No.5590/2006 filed by Sri P. Sree Ramakrishna Murthy, P&E Inspector (Retd.).
9. Govt. Memo No. 2690/Vig.V(2)/2001-21, Revenue (Vig.V) Dept. Dt: 3.3.2010.
10. From Sri P. Sree Ramakrishna Murthy, P&E Inspector (Retired), representation dt:10.3.2010.
11. Govt. Letter No.2690/Vig.V(2)/2001-22, Dated 4.5.2010 of Revenue (Vig.V) Dept.,
12. From the Secretary, APPSC, Letter No. 696/RT-I/3/10, Dated 29.6.2010.

O R D E R:

In the G.O. first read above, among others, disciplinary proceedings were initiated under rule 20 of the A.P.C.S (CC&A) Rules, 1991 against Sri P. Sree Rama Krishna Muthy, Prohibition & Excise Inspector, Nellore Town by framing following charges :

Charge-I: "That Sri P.Sreerama Krishna Murthy, P&EI., Nellore during the period from 10.06.1996 to till date committed misconduct in as

Contd..P.2.,

much as failed to exercise control over his subordinate officers which resulted causing disappearance of the two case records and material of loose bottles cases and letting out the two accused persons in the cases booked against M/s. Sindhura Wines and M/s. Vinayaka Wines, Nellore detected by the Prohibition and Excise Inspector, District Task Force, Nellore on 02.05.1998”

Charge-II: “That Sri P.Sreerama Krishna Murthy, P&EI., Nellore during the period from 16.06.1996 to till date committed misconduct in as much as failed to maintain general diary of Prohibition and Excise Station, Nellore on 02.05.1998”

2. In the reference 2nd read above, Sri P. Sree Rama Krishna Muthy, Prohibition & Excise Inspector has submitted his written statement of defence denying the charges framed against him. After considering the written statement of defence submitted by the C.O, the Director of Proh. & Excise, A.P, Hyderabad was appointed as Enquiry Officer under Rule 24 of A.P.C.S(CC&A) Rules, 1991 to conduct common enquiry into the charges framed against him and (4) others in the G.O. third read above. The Enquiry Officer conducted common enquiry and submitted enquiry report vide reference 4th read above. The Enquiry Officer in his report, among others, has held that the charges are held proved against Sri P. Sree Rama Krishna Murthy, Prohibition & Excise Inspector. The findings of the Enquiry Officer has been accepted and accordingly as required under rule 21 (4) of APCS (CC&A) Rules, 1991, while communicating a copy of the Enquiry Report, he was directed to submit his representation thereon vide reference 5th read above. In the meanwhile Sri P.Sree Rama Krishna Murthy, Proh. & Excise Inspector retired from service on 31.05.2006 on attaining the age of superannuation.

3. Government after examining the matter, has provisionally decided to impose a penalty of cut in pension every month, permanently of an amount equal to 50% of the sum total of the last 3 (three) increments drawn on Sri P.Sree Rama Krishna Murthy, Prohibition & Excise Inspector (Retired). Accordingly, Government have communicated the above provisional decision to Sri P. Sree Ramakrishna Murthy, Prohibition & Excise Inspector (Retd.) calling for his representation thereon vide reference 7th read above. Aggrieved by the proposed penalty, Sri P. Sree Ramakrishna Murthy, P&E Inspector (Retd.) has filed O.A.No.5590/2006 before the A.P. Administrative Tribunal. The Hon’ble Tribunal vide their interim orders dt:30.8.2006 has suspended the impugned memo dt:20.7.2006. A counter was filed.

4. In the reference 8th read above, the Hon’ble Tribunal disposed off the O.A and directed the applicant viz., Sri P. Sree Ramakrishna Murthy, Prohibition & Excise Inspector (Retd.) to submit his explanation within one month. The Hon’ble Tribunal further directed the respondents therein to pass appropriate orders on merits after considering the contentions of the applicant. Sri P. Sree Ramakrishna Murthy, Prohibition & Excise Inspector (Retd.) has not submitted any representation before the Government within the time stipulated by the A.P. Administrative Tribunal. As per the directions of Hon’ble Tribunal, Government have provided a final opportunity and directed the individual to submit his representation if any by 15.3.2010, vide reference 9th read above.

5. In the reference 10th read above, Sri P. Sree Rama Krishna Murthy, Prohibition & Excise Inspector (Retd.) has submitted his representation and he has stated that on 2.5.1998 he had proceeded to Sarvepalli route to conduct raids leaving the station by 7.45 AM and returned at 8.00 PM and that the sentry Sri R. Hanumantha Rao present at that time told him that there were 15 technical cases detected by various raids parties. As he was proceeding on casual leave for two days on 3.5.1998 and 4.5.1998, he instructed the sentry to handover all the case records to Sri K.V. Ramanaiah P&E Sub-Inspector and on return from casual leave, he took the charge of the Station and verified the diary. He has stated that the fact of disappearance of two loose sale cases booked by the P&E Inspector, District Task Force, Nellore against M/s. Sindhura Wines and M/s. Vinayaka Wines on 2.5.1998 is not true as the case property together with the accused was not available at the time he returned from camp on 2.5.1998. Sri P. Sree Rama Krishna Murthy, P&E Inspector (Retd.) has finally requested to drop further action against him on par with other P&E personnel who were involved in the case viz., S/Sri K.S.N. Reddy, Asst. Commr. P&E, G. Chennakesava Rao, P&E Inspector & K.V. Ramanaiah, P&E Sub-Inspector.

6. Government have examined the contentions of Sri P. Sree Rama Krishna Murthy, P&E Inspector and observed that as the Station House Officer of the Excise Station, Nellore he has to shoulder the entire responsibility for the missing records and persons. Without his nod, the sentry (Sri Sk.Ahmed Hussain, P&E Constable) would not dared to let go of the offenders. With regard to the contention of the individual that the fact of disappearance of two loose sale cases and case property with the accused is not true, Government observed that Sri G. Chenna Kesava Rao, P&E Inspector, DMTF (District Mobile Task Force) has conducted raids and seized material and persons and handed them over in the Excise Station and he would not take the pains of arresting persons, collecting evidence, preparing special reports and handing them over at P&E Station if he wanted to create fake records. Hence the contention of individual that the cases booked are false is not correct. With regard to his contention that he instructed the sentry to handover all the case records to Sri K.V. Ramanaiah P&E Sub-Inspector since he had to leave by train within a short period on that day, it is observed that it is the job of the SHO to make necessary entries in the General Diary. But he has deliberately avoided making entries. With regard to his contention that further action was dropped against S/Sri K.S.N. Reddy, Assistant Commissioner, P&E, Sri G. Chennakesava Rao, P&E Inspector and Sri K.V. Ramanaiah, P&E Sub-Inspector, Government observes that the Station House Officer (Sri P. Sree Rama Krishna Murthy, P&E Inspector) and the Sentry Constable (Sri Sk. Ahmed Hussain, P&E Constable) are entirely responsible in the above episode. Against the Sentry Constable, Government have imposed a penalty of reduction in pay by 3 stages permanently vide G.O.Rt.No.1726, Rev.(Vig.V) Dept. Dt:25.11.2006. There is no role played by the other (3) persons named above and hence further action was dropped against them. His contention to extend similar benefit, as in the case of above (3) P&E personnel, to him deserves no consideration.

Contd..P.4.,

7. Government, after careful examination of the representation in the light of the orders of Hon'ble Tribunal, considered that the same is devoid of merits and have decided to confirm the provisional decision to impose the penalty of cut in pension every month, permanently of an amount equal to 50% of the sum total of the last 3 (three) increments drawn under rule 9 of A.P. Revised Pension Rules 1980 for the irregularities held proved against Sri P. Sree Rama Krishna Murthy, P&E Inspector (Retd.) Accordingly, Govt. have addressed the A.P. Public Service Commission for concurrence and the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the penalty, vide reference 12th read above.

8. The Government, after careful examination of the matter in the light of the direction of Hon'ble Tribunal and advice of the A.P. Public Service Commission thereon, hereby impose the penalty of cut in pension every month, permanently of an amount equal to 50% of the sum total of the last 3 (three) increments drawn, against Sri P. Sree Rama Krishna Murthy, Prohibition & Excise Inspector (Retired), under rule 9 of A.P. Revised Pension Rules, 1980.

9. The Commissioner, Prohibition & Excise, Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P. Sree Rama Krishna Murthy, Prohibition & Excise Inspector (Retd.)

through the Commissioner, Prohibition & Excise, A.P., Hyderabad.

The Commissioner, Prohibition & Excise, AP, Hyderabad.

(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Secretary to VC, A.P. Vigilance Commission, Hyderabad.

PS to Prl. Secretary to Government, Revenue Department.

The Registrar, A.P. Administrative Tribunal, Hyderabad

(w.r.t orders of APAT dt:31.12.2009 in OA.No.5590/2006)

The Govt. Pleader for Revenue (Ser.), A.P.A.T, Hyderabad.

The Revenue (Excise I) Department.

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.